



MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP

MICHAEL A. MIRANDA*
BRIAN S. SOKOLOFF
STEVEN VERVENIOTIS
ONDINE SLONE
NEIL L. SAMBURSKY*
RICHARD S. SKLARIN^o
STEVEN C. STERN

JOHN J. O'DONNELL
MARK R. OSHEROW*^o
COUNSEL

WRITER'S E-MAIL:
thellman@msssv.com

THE ESPOSITO BUILDING
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
TEL (516) 741-7676
FAX (516) 741-9060

WWW.MSSSV.COM

BRANCH OFFICES:
WESTCHESTER, NY
NEW YORK, NY
FANWOOD, NJ

ADAM I. KLEINBERG
JENNIFER E. SHERVEN
GABRIELLA CAMPIGLIA
TODD D. KREMIN
TODD HELLMAN
CHARLES A. MARTIN
KIERA J. MEEHAN
DAMIAN F. FISCHER
MARIA THOMAS
NANCY R. SCHEMBRI^o
MICHAEL V. LONGO
PETER M. TUCCARONE*^o
CHRISTOPHER MILLER
JACQUELINE RAPPEL

* ALSO ADMITTED IN NEW JERSEY
^o ALSO ADMITTED IN CONNECTICUT
^o ALSO ADMITTED IN FLORIDA
*RESIDENT IN WESTCHESTER

September 19, 2007

Via ECF and Fax Transmission

Gerard E. Lynch
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Nascimento v. Essex Insurance Company, et. al.
Docket No.: 07-cv-5468 (GEL)(DF)
Our File No.: 07-419

Dear Judge Lynch:

We represent defendant U.S. Underwriters Insurance Company ("U.S. Underwriters") in the above-referenced declaratory judgment action. As per Your Honor's directive at the initial case management conference held on Friday, September 14, 2007, this is to advise the Court that U.S. Underwriters will not oppose plaintiff's motion to dismiss its complaint without prejudice as against the only remaining defendant, U.S. Underwriters.

Respectfully submitted,

MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP


Todd M. Hellman

cc: John E. Durst, Jr., Esq.
Steven J. Fried, Esq.